

Filed: January 13, 1998

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1894
(CA-97-224-5-BR-2)

Monika Gonzalez,

Plaintiff - Appellant,

versus

James Askins, etc., et al,

Defendants - Appellees.

O R D E R

The Court amends its opinion filed November 7, 1997, as follows:

On the cover sheet, section 6 -- The status line is corrected to read "Dismissed by unpublished per curiam opinion."

For the Court - By Direction

/s/ Patricia S. Connor

Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1894

MONIKA GONZALEZ,

Plaintiff - Appellant,

versus

JAMES ASKINS, Dr.; STANLEY K. GILBERT, Dr.;
WILLIAM S. BRITT,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, District Judge. (CA-97-224-5-BR-2)

Submitted: October 20, 1997

Decided: November 7, 1997

Before ERVIN, NIEMEYER, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Monika Gonzalez, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order and judgment on April 23, 1997; Appellant's notice of appeal was filed on July 8, 1997, which is beyond the thirty-day appeal period. Appellant's failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of Appellant's appeal. We therefore dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED